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E-FILED - 07/20/07

Attorney for Margaret B. McGimsey
Trust, Bruce McGimsey, Jerry
McGimsey, Sharon McGimsey and
Johnny Clark

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:)
USA COMMERCIAL MORTGAGE COMPANY,)
Debtor.)
USA CAPITAL REALTY ADVISORS, LLC,)
Debtor.)
USA CAPITAL DIVERSIFIED TRUST DEED)
FUND, LLC,)
Debtor.)
USA CAPITAL FIRST TRUST DEED)
FUND, LLC,)
Debtor.)
USA SECURITIES, LLC,)
Debtor.)

Case No. BK-S-06-10725 LBR
Case No: BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

RESPONSE TO OMNIBUS
OBJECTION OF POST-
EFFECTIVE DATE USA
CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC, TO PROOFS
OF INTEREST

Date: 07/27/07
Time: 9:30 a.m.

Affects:
☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed
Fund, LLC
☐ USA First Trust Deed Fund, LLC


COMES NOW Margaret B. McGimsey Trust, Bruce McGimsey, Sharon McGimsey, Jerry
McGimsey and Johnny Clark, by and through their attorney, William L. McGimsey, Esq., and in

LAW OFFICES
WILLIAM L. MCGIMSEY
A PROFESSIONAL CORPORATION
516 SO. SIXTH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

1 presents the following response.

2 Attached hereto and made a part hereof are the Proofs of Interest filed in the above-entitled
3 matter. Each Proof of Interest shows the amount due and owing as a Proof of Interest to each
4 claimant herein. To the extent that the Debtor objects because its "records" show something
5 different, then its records are incorrect.

6 Respectfully submitted,

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8 WILLIAM L. MCGIMSEY, ESQ.

9 601 East Charleston Blvd.

10 Las Vegas, NV 89104

11 Attorney for the McGimseys and Johnny Clark
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PROOF OF INTEREST	
Name of Debtor: USA Capital Diversified Trust Deed Fund LLC	Case Number: 06-10727
1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"): Bruce McGimsey	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court or BMC Group in this case. <input checked="" type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.
Telephone Number ()	
<p>NOTE: This form SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim should be used for that purpose. This form should only be used to assert an Equity Interest in the Debtor. An Equity Interest is any right arising from any capital stock and any equity security in any of the Debtor. An equity security is defined in the Bankruptcy Code as (a) a share in a corporation whether or not transferable or denominated stock or similar security; (b) interest of a limited partner in a limited partnership; or (c) a warrant or right other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.</p>	
Account or other number by which Interestholder identifies Debtor:	Check here if this claim: <input type="checkbox"/> replaces a previously filed Proof of Interest dated: _____ <input type="checkbox"/> amends a previously filed Proof of Interest dated: _____
2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest: Bruce McGimsey c/o William L. McGimsey, Esq. 601 East Charleston Blvd. Las Vegas, NV 89104	3. Date Equity Interest was acquired: 08/01/02 08/01/03
Telephone Number ()	
4. Total amount of member interest: 86,171.22	5. Certificate number(s):
6. Type of Equity Interest: Please indicate the type of Equity Interest you hold: <input checked="" type="checkbox"/> Check this box if your Equity Interest is based on actual member interest held in the Debtor. <input type="checkbox"/> Check this box if your Equity Interest is based on anything else and describe that interest: _____	
7. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u> , such as stock certificates, option agreements, warrants etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.	
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.	
The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units). BY MAIL TO: BMC Group Attn: USACM Claims Docketing Center P. O. Box 911 El Segundo, CA 90245-0911 BY HAND OR OVERNIGHT DELIVERY TO: BMC Group Attn: USACM Claims Docketing Center 1330 East Franklin Avenue El Segundo, CA 90245	
DATE 11-9-06	SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any): William McGimsey, Esq.

If you have already filed a proof of interest with BMC, you do not need to file again.

THIS SPACE IS FOR COURT USE ONLY

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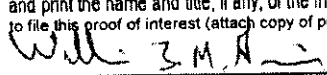

REC'D NOV 13 2006

USA POI-DT



061072700144

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

PROOF OF INTEREST	
Name of Debtor: USA Capital Diversified Trust Deed Fund LLC	Case Number: 06-10727
1. Name of holder of the Equity Interest (The person or entity holding an Equity interest in the Debtor. Referred to hereinafter as the "Interestholder"): Margaret B. McGimsey Trust	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court or BMC Group in this case. <input checked="" type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.
Telephone Number ()	
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Account or other number by which Interestholder identifies Debtor:	Check here if this claim: <input type="checkbox"/> replaces a previously filed Proof of Interest dated: _____ <input type="checkbox"/> amends a previously filed Proof of Interest dated: _____
2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest: Margaret B. McGimsey Trust c/o William L. McGimsey, Esq. 601 East Charleston Blvd. Las Vegas, NV 89104	3. Date Equity Interest was acquired: 07/16/01 05/01/02 07/01/03
Telephone Number ()	
4. Total amount of member interest: \$96,094.75+interest	5. Certificate number(s):
6. Type of Equity Interest: Please indicate the type of Equity Interest you hold: <input checked="" type="checkbox"/> Check this box if your Equity Interest is based on actual member interest held in the Debtor. <input type="checkbox"/> Check this box if your Equity Interest is based on anything else and describe that interest: _____	
7. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u> , such as stock certificates, option agreements, warrants etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.	
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.	
The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).	
BY MAIL TO: BMC Group Attn: USACM Claims Docketing Center P. O. Box 911 El Segundo, CA 90245-0911	
BY HAND OR OVERNIGHT DELIVERY TO: BMC Group Attn: USACM Claims Docketing Center 1330 East Franklin Avenue El Segundo, CA 90245	
DATE 11-9-06	SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any):  William McGimsey, Esq.
THIS SPACE FOR COURT USE ONLY  USA POI-DT 061072700145	

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

PROOF OF INTEREST	
Name of Debtor: USA Capital Diversified Trust Deed Fund LLC	Case Number: 06--10727
1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"): Sharon or Jerry McGimsey	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court or BMC Group in this case. <input checked="" type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.
Telephone Number ()	
<p>NOTE: THIS FORM SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim form should be used for that purpose. This form should only be used to assert an Equity Interest in the Debtor. An Equity Interest is any right arising from any Capital Stock and any Equity security in any of the Debtor. An equity security is defined in the Bankruptcy Code as (a) a share in a corporation, whether or not transferable, or undivided stock or similar security, by interest of a limited partner in a limited partnership, or of warrant or right other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.</p>	
Account or other number by which Interestholder identifies Debtor:	Check here if this claim: <input type="checkbox"/> replaces a previously filed Proof of Interest dated: _____ <input type="checkbox"/> amends a previously filed Proof of Interest dated: _____
2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest: Sharon or Jerry McGimsey c/o William L. McGimsey, Esq. 601 East Charleston Blvd. Las Vegas, NV 89104	3. Date Equity Interest was acquired: 12/03/01 06/01/03 01/29/01 08/01/03 10/16/01 04/01/02
Telephone Number ()	
4. Total amount of member interest: \$311,091.58+interest	5. Certificate number(s):
6. Type of Equity Interest: Please indicate the type of Equity Interest you hold: <input checked="" type="checkbox"/> Check this box if your Equity Interest is based on actual member interest held in the Debtor. <input type="checkbox"/> Check this box if your Equity Interest is based on anything else and describe that interest: _____	
7. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u> , such as stock certificates, option agreements, warrants etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.	
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.	
The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).	
BY MAIL TO: BMC Group Attn: USACM Claims Docketing Center P. O. Box 911 El Segundo, CA 90245-0911	
BY HAND OR OVERNIGHT DELIVERY TO: BMC Group Attn: USACM Claims Docketing Center 1330 East Franklin Avenue El Segundo, CA 90245	
DATE 11-9-06	SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any): William L. McGimsey Esq.
THIS SPACE FOR COURT USE ONLY REC'D NOV 13 2006 USA POI-DT 061072700148	

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF INTEREST
Name of Debtor: USA Capital Diversified Trust Deed Fund, LLC	Case Number: 06-10727	<p>If you have already filed a proof of interest with BMC, you do not need to file again.</p> <p>THIS SPACE IS FOR COURT USE ONLY</p>
<p>1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"):</p> <p>Johnny Clark</p> <p>Telephone Number ()</p> <p><input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars.</p> <p><input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.</p> <p><input checked="" type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.</p>		
<p>NOTE: This form SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim form should be used for that purpose. This form should only be used to assert an equity interest in the Debtor. An equity interest is any right arising from any capital stock and any equity security in and of the Debtor. An equity security is defined in the Bankruptcy Code as: (a) a share in a corporation whether or not transferable or designated stock or similar security; or (b) interest of a limited partner in a limited partnership; or (c) warrant or right other than a right to convert to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.</p>		
Account or other number by which Interestholder identifies Debtor:	Check here if this claim:	
	<input type="checkbox"/> replaces a previously filed Proof of Interest dated: _____ <input type="checkbox"/> amends a previously filed Proof of Interest dated: _____	
2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest:	3. Date Equity Interest was acquired:	
Johnny Clark c/o William L. McGimsey, Esq. 601 East Charleston Blvd. Las Vegas, NV 89104	01/29/00 07/01/02	
Telephone Number ()		
4. Total amount of member interest: \$99,467.90+interest	5. Certificate number(s):	
<p>6. Type of Equity Interest:</p> <p>Please indicate the type of Equity Interest you hold:</p> <p><input checked="" type="checkbox"/> Check this box if your Equity Interest is based on actual member interest held in the Debtor.</p> <p><input type="checkbox"/> Check this box if your Equity Interest is based on anything else and describe that interest:</p> <p>_____</p>		
<p>7. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u>, such as stock certificates, option agreements, warrants etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.</p>		
<p>8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.</p>		
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DATE 11-9-06	<p>SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any):</p> <p><u>William McGimsey, Esq.</u></p>	

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